

EXHIBIT A

CIVIL ACTION NO.: 11-6352

GUY WILLIAMS

Plaintiff

v.

OFFICER KENNETH LUGO, et al
Defendants

- - -

Tuesday, June 19, 2012

- - -

Oral sworn deposition of OFFICER KENNETH

LUGO was taken at the law offices of PARKER MCCAY,
P.A., 1009 Lenox Drive, Suite 102A, Lawrenceville, New
Jersey, before Aubrey D. McNally, Certified Court
Reporter, Registered Professional Reporter and Notary
Public of the State of New Jersey, on the above date,
commencing at 10:15 a.m., there being present:

WEISBERG LAW, P.C.

BY: GRAHAM F. BAIRD, ESQUIRE
ATTORNEYS FOR THE PLAINTIFF

PARKER MCCAY, P.A.

BY: J. BROOKS DIDONATO, ESQUIRE
ATTORNEYS FOR THE DEFENDANTS

<p>Page 2</p> <p>(It is agreed by and between counsel that the reading and signing of the deposition be waived and that all objections, except as to the form of the question, be reserved until the time of trial.)</p> <p>--</p> <p>I N D E X</p> <p>witness</p> <p>OFFICER KENNETH LUGO</p> <p>BY MR. BAIRD</p> <p>3</p> <p>Page</p> <p>EXHIBIT</p> <p>DESCRIPTION</p> <p>PAGE</p> <p>1 Affidavit of Probable Cause 43</p> <p>2 Incident Report 47</p> <p>3 Case Supplemental Report 50</p>	<p>Page 3</p> <p>... OFFICER KENNETH LUGO, after having been duly sworn, was examined and testified as follows:</p> <p>--</p> <p>BY MR. BAIRD:</p> <p>Q Good morning, officer.</p> <p>A Good morning.</p> <p>Q My name is Graham Baird, and I'm a lawyer and I represent Guy Williams in a case that we have filed against you as well as your employer concerning an arrest that you made back on May 2nd of 2009. Today we're here for your deposition. Have you ever given deposition testimony before?</p> <p>A A long time ago.</p> <p>Q Okay. I'm going to run through some instructions and guidelines for you to follow to make this go as quickly and as smoothly as possible, okay?</p> <p>A Okay.</p> <p>Q All right. Sitting on your right is a court reporter and she's basically taking down everything that is said in the room. So with that in mind, it's very important for you to keep your responses to my questions verbal. We try to stay</p>
<p>Page 4</p> <p>1 away from nuh-uh, uh-huh, shrugging the shoulders, nodding the head, shaking the head because it's difficult for her to take down and we want to keep a very clear record.</p> <p>Is that okay with you?</p> <p>A Yes.</p> <p>Q All right. The other instruction I'll give along those lines is that you and I should not talk over each other, okay? Inevitably, it usually happens during the deposition that you and I will talk over each other, but we should avoid that as much as possible, again, so that she can take it down.</p> <p>Even if you know where a question of mine is going, I would ask that you please wait until I finish the full question and I will certainly give you the courtesy to wait until you provide a complete answer before I ask another question, okay?</p> <p>A Yes.</p> <p>Q All right. You can take a break at any time for whatever reason you want. If you want to walk around, talk to your lawyer, get a drink of water, whatever, just let me know, okay?</p> <p>A Yes.</p>	<p>Page 5</p> <p>1 Q The other thing is that if there's a question pending, the rules are that you should answer that question before we take our break; is that okay?</p> <p>A Yes.</p> <p>Q All right. No one here wants you to guess at anything, okay? If you would like to estimate as to dates, times, distances, things of that nature, that's fine, just let us know that you're making an estimate, okay?</p> <p>A Yes.</p> <p>Q At some point you may not remember something, okay? And if you don't remember something, I don't remember is a perfectly acceptable answer to give. We all realize that this happened May 2nd, 2009 and you're a police officer and there's no doubt that you participated in numerous arrests from the time of Mr. Williams' arrest up until the present day, so if you don't remember something, I don't remember is a perfectly acceptable answer, so is I don't know, okay?</p> <p>So if you don't know something, I don't know is a perfectly acceptable answer. But I want you to be aware that there's a subtle difference between I don't know and I don't</p>

(Pages 2 to 5)

2

Page 6	Page 7
<p>1 remember.</p> <p>2 Do you understand that?</p> <p>3 A Yes.</p> <p>4 Q Okay. So with that said, can you tell</p> <p>5 me who you work for?</p> <p>6 A I work for the City of Trenton,</p> <p>7 Trenton Police Department.</p> <p>8 Q Okay. And how long have you been with</p> <p>9 the Trenton Police Department?</p> <p>10 A This is my second go-around with the</p> <p>11 Trenton Police Department and it's been since</p> <p>12 March of 2004.</p> <p>13 Q Okay. So from March of 2004 until the</p> <p>14 present day you have been employed with the Trenton</p> <p>15 Police Department?</p> <p>16 A Yes.</p> <p>17 Q Okay. And prior to March 2004 you</p> <p>18 mentioned that there was another time when you were</p> <p>19 employed by Trenton. Can you tell me when that was?</p> <p>20 A It was from October of 1986 to May of</p> <p>21 1994.</p> <p>22 Q Okay. May of '94, did you say?</p> <p>23 A Yes.</p> <p>24 Q And why did you leave the Trenton</p> <p>25 Police Department in May of '94?</p>	<p>1 A I accepted a position with the Tucson</p> <p>2 Arizona Police Department.</p> <p>3 Q Did you leave the Trenton Police</p> <p>4 Department on good terms?</p> <p>5 A Yes.</p> <p>6 Q Okay. And then you worked at the</p> <p>7 Tucson Police Department from, say, May or June of</p> <p>8 '94 until when?</p> <p>9 A Until 1997. I'm not sure of the</p> <p>10 exact month.</p> <p>11 Q Okay. And my understanding, based upon</p> <p>12 some of the records that your counsel has provided,</p> <p>13 is that your employment was severed or otherwise</p> <p>14 terminated by Tucson Police Department; is that</p> <p>15 accurate?</p> <p>16 A Yes.</p> <p>17 Q And can you tell me the reason why it</p> <p>18 was terminated in 1997?</p> <p>19 A I tied to my supervisor about a</p> <p>20 location I was at.</p> <p>21 Q Okay. And can you tell me what the</p> <p>22 circumstances of that incident were?</p> <p>23 A I was out of my area. I was two</p> <p>24 blocks out of my area.</p> <p>25 Q Okay.</p>
Page 8	Page 9
<p>1 A I happened to be speaking to an</p> <p>2 officer that was being watched by our sergeant.</p> <p>3 Q He was being watched by your sergeant?</p> <p>4 A Yes.</p> <p>5 Q Your sergeant was investigating his</p> <p>6 activities; is that accurate?</p> <p>7 A Yes.</p> <p>8 Q Okay. And were you in your patrol car</p> <p>9 that day?</p> <p>10 A Yes.</p> <p>11 Q Was there any other reasons besides</p> <p>12 your untruthfulness there for the termination of</p> <p>13 your employment?</p> <p>14 A No.</p> <p>15 Q Okay. And then in '97 did you obtain</p> <p>16 other employment?</p> <p>17 A From '97 and for the next five years</p> <p>18 I worked at Home Depot. I was out of police work.</p> <p>19 Q Okay. And which Home Depot? Where</p> <p>20 were you located?</p> <p>21 A Tucson, Arizona.</p> <p>22 Q Okay. Did you work in security or were</p> <p>23 you a floor associate?</p> <p>24 A I was a floor associate.</p> <p>25 Q Okay. And then would it be accurate</p>	<p>1 For me to say that in March 2004 you came back to</p> <p>2 Trenton; is that --</p> <p>3 A No. I obtained a job with the Benson</p> <p>4 Arizona Police Department -- I'm going to</p> <p>5 backtrack -- in June of 2002.</p> <p>6 Q Okay.</p> <p>7 A In September of 2003, I resigned and</p> <p>8 moved back to New Jersey.</p> <p>9 Q Okay.</p> <p>10 A At that time I accepted a job with</p> <p>11 the Trenton Police Department. I was a dispatcher</p> <p>12 from September until March.</p> <p>13 Q You attended dispatching school, right?</p> <p>14 A Yes.</p> <p>15 Q And was there any reason why you</p> <p>16 weren't on patrol?</p> <p>17 A I was brought back as a dispatcher</p> <p>18 and waited until the next academy class was</p> <p>19 available.</p> <p>20 Q So that was in September of 2003 you</p> <p>21 were hired on as a dispatcher?</p> <p>22 A Yes.</p> <p>23 Q Okay. And then in March of 2004, you</p> <p>24 went back to patrol; is that true?</p> <p>25 A I attended partial -- the partial</p>

Page 10	Page 11
<p>1 academy.</p> <p>2 Q Okay. And when did you basically start</p> <p>3 working as a patrol officer again for Trenton?</p> <p>4 A Summer of 2004.</p> <p>5 Q Now, since summer of 2004 to the</p> <p>6 present have you received any promotions?</p> <p>7 A I was promoted to detective. I don't</p> <p>8 recall when I was promoted to detective and</p> <p>9 transferred to the TAC unit.</p> <p>10 Q Okay. Tell me what the TAC unit is.</p> <p>11 A Tactical Anti-Crime Unit. They go</p> <p>12 out and they look for street crimes, guys on the</p> <p>13 corner selling drugs, things of that nature.</p> <p>14 Q Okay. What's the QPR unit?</p> <p>15 A QRT?</p> <p>16 Q QRT, excuse me.</p> <p>17 A It was the Quick Response Team. That</p> <p>18 was a unit that was formed by myself and my</p> <p>19 partner at the time.</p> <p>20 Q Was your partner Sean miles at that</p> <p>21 time?</p> <p>22 A Yes.</p> <p>23 Q And the Quick Response Team, you and</p> <p>24 Sean developed that program; is that right?</p> <p>25 A Yes.</p>	<p>1 Q Okay. Can you tell me what the</p> <p>2 impetuous behind your development of that QRT was?</p> <p>3 A Sean had some experience. He had</p> <p>4 been in the Vice Unit before, so he had experience</p> <p>5 with search warrants. He started doing some</p> <p>6 search warrants and it became successful. I</p> <p>7 stated going search warrants with his help and we</p> <p>8 became extremely successful.</p> <p>9 So they removed us from the TAC unit,</p> <p>10 added two people to our unit, so it was a four-man</p> <p>11 unit. We were under the supervision of a sergeant</p> <p>12 and we did our own work.</p> <p>13 Q Okay. And who are the other two men in</p> <p>14 your unit?</p> <p>15 A At that time it was Detective Yolanda</p> <p>16 Ward and Detective Chris Franchevich. Do you need</p> <p>17 that to be spelled?</p> <p>18 Q Franchevich, definitely.</p> <p>19 A It's F-R-A-N-I-C-E-V-I-C-H.</p> <p>20 Q Okay. And all four of you were</p> <p>21 detectives; is that accurate?</p> <p>22 A Yes.</p> <p>23 Q And when did you form this QRT?</p> <p>24 A That I don't recall.</p> <p>25 Q Okay. Was it before or after May of</p>
Page 12	Page 13
<p>1 2009?</p> <p>2 A Before.</p> <p>3 Q Were you working on QRT when the arrest</p> <p>4 of Mr. Williams occurred?</p> <p>5 A Yes.</p> <p>6 Q Okay. Who was your sergeant, if you</p> <p>7 can remember, around May of 2009?</p> <p>8 A Paul Gendron, G-E-N-D-R-O-N.</p> <p>9 Q Now, Detective Franchevich, is he still</p> <p>10 employed by the Trenton Police Department?</p> <p>11 A Yes.</p> <p>12 Q Okay. Is he still a detective?</p> <p>13 A Yes.</p> <p>14 Q Do you know what unit he works in?</p> <p>15 A Vice.</p> <p>16 Q Okay. How about Yolanda Ward?</p> <p>17 A No.</p> <p>18 Q Do you have any knowledge as to why her</p> <p>19 employment separated with Trenton Police?</p> <p>20 A She was laid off.</p> <p>21 Q Do you do cutbacks?</p> <p>22 A Yes.</p> <p>23 Q Other than your promotion to detective,</p> <p>24 did you obtain any other promotions from March of</p> <p>25 2004 until the present?</p>	<p>1 A No.</p> <p>2 Q And your rank today is detective; is</p> <p>3 that correct?</p> <p>4 A No, my rank today is officer.</p> <p>5 Q Oh, okay. Can you tell me why you are</p> <p>6 now an officer today rather than being a detective?</p> <p>7 A I put a letter in to go back to</p> <p>8 patrol.</p> <p>9 Q Okay. Is there a reason why you put</p> <p>10 that letter in?</p> <p>11 A I was in the Vice Unit. I knew I was</p> <p>12 going to be transferred out because of cutbacks</p> <p>13 and they were going to be sending people back to</p> <p>14 supplement patrol, so I submitted a letter to try</p> <p>15 and secure a position on day shift before they</p> <p>16 transferred me.</p> <p>17 Q Okay. So it was not related to any</p> <p>18 kind of performance issue with Trenton --</p> <p>19 A No. I'm sorry, no.</p> <p>20 Q Okay. The purpose of you putting the</p> <p>21 letter in was so that you could secure a position in</p> <p>22 the day shift because you could see cutbacks coming?</p> <p>23 A Yes.</p> <p>24 Q Okay. Did you go from the QRT, Quick</p> <p>25 Response Team, to Vice?</p>

(Pages 10 to 13)

4

<p style="text-align: right;">Page 14</p> <p>1 A Yes.</p> <p>2 Q And do you remember approximately what</p> <p>3 time period it was when you transferred to Vice?</p> <p>4 A I don't recall.</p> <p>5 Q Okay. Was the Quick Response Team</p> <p>6 disbanded or were there new detectives assigned to</p> <p>7 it? What happened with the Quick Response Team?</p> <p>8 A We were disbanded.</p> <p>9 Q Do you know why you were disbanded?</p> <p>10 A We were overlapping Vice</p> <p>11 investigations.</p> <p>12 Q Okay. So the powers that base that, we</p> <p>13 don't need the Quick Response Team if they're</p> <p>14 overlapping Vice investigations, we should just fold</p> <p>15 them back into Vice?</p> <p>16 A Yes. Only two of us went to Vice.</p> <p>17 Q Who went to Vice?</p> <p>18 A Myself and Detective Franicevich.</p> <p>19 Q What happened to Detective Sean Miles?</p> <p>20 A Detective Miles went back to patrol.</p> <p>21 Q Is he currently on patrol?</p> <p>22 A Yes.</p> <p>23 Q Okay.</p> <p>24 A As did Detective Ward.</p> <p>25 Q And then sometime after Detective Ward</p>	<p style="text-align: right;">Page 15</p> <p>1 went back to patrol, she was laid off due to the</p> <p>2 cutbacks?</p> <p>3 A Yes.</p> <p>4 Q All right. And Sean Miles is still</p> <p>5 employed?</p> <p>6 A Yes.</p> <p>7 Q What about the TAC Unit? Is that still</p> <p>8 operating?</p> <p>9 A Yes.</p> <p>10 Q Okay. Can you generally explain to me</p> <p>11 what the difference between the TAC Unit and the</p> <p>12 Vice Unit is?</p> <p>13 A The TAC Unit goes out in uniform and,</p> <p>14 for lack of a better word, will attack street</p> <p>15 crime. The Vice Unit responds to tips from the</p> <p>16 public and from just, you know, other officers and</p> <p>17 develops their own investigations, executes search</p> <p>18 warrants.</p> <p>19 Q Okay. On May 2nd, 2009 you effected an</p> <p>20 arrest on Mr. Williams; is that correct?</p> <p>21 A Yes.</p> <p>22 Q Can you tell me what, if anything, you</p> <p>23 remember about that? And try to start at the</p> <p>24 beginning, if you would, officer.</p> <p>25 A I was on duty. It was the night</p>
<p style="text-align: right;">Page 16</p> <p>1 shift. We were working until 3 o'clock in the</p> <p>2 morning. My partner was off. Detective Miles was</p> <p>3 off that night, but he gave me a -- he called me</p> <p>4 on my cell phone to tell me that he had received</p> <p>5 information about a man with a gun on Hamilton</p> <p>6 Avenue.</p> <p>7 Q Okay. Did he tell you at all how it</p> <p>8 was he received that information?</p> <p>9 A Yes. The information came from one</p> <p>10 of his informants.</p> <p>11 Q Okay. Do you know which informant it</p> <p>12 was?</p> <p>13 A I had some dealings with him, but</p> <p>14 nothing too specific.</p> <p>15 Q Do you know who it is?</p> <p>16 A Yes.</p> <p>17 Q Can you tell me who it is?</p> <p>18 MR. DIDONATO: No. Not absent to</p> <p>19 court order.</p> <p>20 MR. BAIRD: Okay. That's an</p> <p>21 objection?</p> <p>22 MR. DIDONATO: That's an objection.</p> <p>23 And I'm going to go and instruct him not to</p> <p>24 answer. We will produce it if there's a</p> <p>25 court order, but he's involved in ongoing</p>	<p style="text-align: right;">Page 17</p> <p>1 investigations with not only the TRD but</p> <p>2 also has had involvement with the State</p> <p>3 Police Department, so I have no</p> <p>4 authorization from either department to</p> <p>5 release his personal identification.</p> <p>6 MR. BAIRD: Okay. With that</p> <p>7 objection on the record, I'm going to ask</p> <p>8 him some other information about that</p> <p>9 particular communication and the CI without</p> <p>10 his identifying information --</p> <p>11 MR. DIDONATO: You can ask history,</p> <p>12 subsequent history, whatever you would like.</p> <p>13 MR. BAIRD: Fair enough.</p> <p>14 BY MR. BAIRD:</p> <p>15 Q You mentioned that you had some</p> <p>16 dealings with this particular CI in the past.</p> <p>17 A Yes.</p> <p>18 Q Had he ever given you information</p> <p>19 personally which led to an arrest?</p> <p>20 A Before that time?</p> <p>21 Q Yes, before May 2nd of 2009.</p> <p>22 A No. Everything was through Detective</p> <p>23 Miles.</p> <p>24 Q Okay. Had you ever met with him</p> <p>25 face-to-face prior to May 2nd, 2009?</p>

Page 18	Page 19
<p>1 A One time.</p> <p>2 Q Okay. Can you tell me the</p> <p>3 circumstances surrounding that?</p> <p>4 A He was providing Detective Miles with</p> <p>5 information and we were together.</p> <p>6 Q Okay. What's your knowledge as to how</p> <p>7 this particular CI would pass information to</p> <p>8 Detective Miles in general?</p> <p>9 A He would call him.</p> <p>10 Q Okay. Do you know how this particular</p> <p>11 CI provided information concerning Mr. Williams?</p> <p>12 A He called Detective Miles.</p> <p>13 Q Okay. And did Detective Miles tell you</p> <p>14 that over the phone on the night when he called you</p> <p>15 about the person with the gun?</p> <p>16 A Yes.</p> <p>17 Q Okay. In as much specificity as you</p> <p>18 can, can you tell me exactly what Detective Miles</p> <p>19 said to you on the phone that night?</p> <p>20 A He said that he had received a phone</p> <p>21 call regarding a man with a gun on Hamilton</p> <p>22 Avenue, gave me the description as it was provided</p> <p>23 to him and told me where he would be located.</p> <p>24 Q Okay. And what was the description</p> <p>25 that he gave of the person?</p>	<p>1 A He gave a very specific description.</p> <p>2 I cannot recall the exact description, but I know</p> <p>3 the description he gave was to a tee. It's</p> <p>4 provided -- it's in my police report if you want</p> <p>5 the specifics if I could review that.</p> <p>6 Q Okay. So it would be fair to say that</p> <p>7 you would rely on the information that you placed in</p> <p>8 your police report; is that right?</p> <p>9 A Yes.</p> <p>10 Q My understanding is that you drafted --</p> <p>11 you prepared the affidavit for a warrant; is that</p> <p>12 right?</p> <p>13 A Yes.</p> <p>14 Q Okay. And it's also my understanding</p> <p>15 that subsequent to Mr. Williams' arrest, Detective</p> <p>16 Miles also provided a report concerning his</p> <p>17 knowledge as to what occurred that night; is that</p> <p>18 true?</p> <p>19 A I'm not sure.</p> <p>20 Q Okay. And is it fair for me to say</p> <p>21 that you would rely upon the description that you</p> <p>22 placed in your police report to accurately describe</p> <p>23 what Sean Miles told you about the suspect?</p> <p>24 A Yes.</p> <p>25 Q Okay. And do you remember where</p>
Page 20	Page 21
<p>1 Detective Miles told you that the suspect would be?</p> <p>2 A There were several phone calls. The</p> <p>3 first phone call stated that he was in the liquor</p> <p>4 store on Hamilton Avenue in the 500 block.</p> <p>5 Q Okay.</p> <p>6 A I don't recall the name of the liquor</p> <p>7 store.</p> <p>8 Q In Trenton?</p> <p>9 A In Trenton, yes.</p> <p>10 Q Okay. And do you recall approximately</p> <p>11 when the first phone call came to you?</p> <p>12 A No, I don't.</p> <p>13 Q But it was nighttime, correct?</p> <p>14 A Yes.</p> <p>15 Q You were working the night shift?</p> <p>16 A Yes.</p> <p>17 Q And your shift back then was from --</p> <p>18 can you tell me what the night shift was?</p> <p>19 A From 5:00 p.m. to 3:00 a.m.</p> <p>20 Q Okay. During the first telephone</p> <p>21 call -- correct me if I'm wrong -- Sean Miles</p> <p>22 advises you that he has information concerning a</p> <p>23 suspect who has a gun; is that true?</p> <p>24 A Yes.</p> <p>25 Q Okay. And then he provided you with a</p>	<p>1 description of that suspect as well as an initial</p> <p>2 location as to where that person was?</p> <p>3 A Yes.</p> <p>4 Q Okay. And that initial location that</p> <p>5 he provided during the first phone call was at the</p> <p>6 500 block of Hamilton Avenue; is that right?</p> <p>7 A Yes.</p> <p>8 Q About how long after that first phone</p> <p>9 call did the subsequent phone call occur?</p> <p>10 A Within five to seven minutes.</p> <p>11 Q Okay. Do you remember where you were</p> <p>12 when you received the initial phone call?</p> <p>13 A I was on Chambers Street in Trenton.</p> <p>14 Q Were you in your patrol vehicle?</p> <p>15 A Not a patrol vehicle. We were</p> <p>16 operating seized vehicles, so they were just every</p> <p>17 day vehicles that we were -- that we had at our</p> <p>18 disposal.</p> <p>19 Q Were these unmarked cars?</p> <p>20 A Yes.</p> <p>21 Q Okay. Were you in plain clothes?</p> <p>22 A Yes, I was.</p> <p>23 Q Okay. And you were on Chambers Street</p> <p>24 in an unmarked vehicle; is that accurate?</p> <p>25 A Yes.</p>

(Pages 18 to 21)

6

<p style="text-align: right;">Page 22</p> <p>1 Q Okay. After getting the initial phone 2 call, did you make any effort to go to the 500 block 3 of Hamilton Street to find the suspect? 4 A Yes, I did. After I contacted 5 Detective Ward and Franicevich, gave them the 6 information and the three of us proceeded to the 7 area. 8 Q Okay. Were Detective Ward and 9 Franicevich in the same car as you? 10 A No. 11 Q Were they operating in the same area 12 around Chambers Street as you were? 13 A Yes. 14 Q Okay. Did you provide them with this 15 information that was relayed to you by Detective 16 Miles over the radio or in person? 17 A Cell phone. 18 Q Okay. Was this your own personal cell 19 phone? 20 A We had department issued cell phones 21 at the time. 22 Q Okay. And when you were speaking with 23 Detectives Ward and Franicevich, tell me what you 24 talked to them about after the initial call? 25 A After the initial call, after giving</p>	<p style="text-align: right;">Page 23</p> <p>1 them the description and the area where we were 2 going to set up. 3 Q Okay. Where was your original plan 4 after the initial call to set up? 5 A We were going to have one officer 6 watch -- or one detective watch Hamilton and 7 Franklin at that corner there, another one at 8 Hamilton and Chambers because the location that 9 was given to us was in between those two 10 locations. 11 Q Okay. After the initial call, did you 12 have any information about the identity of the 13 suspect other than a physical description? 14 A No, I didn't. 15 Q Okay. Did you know his name was Guy 16 Williams? 17 A No. 18 Q Okay. Did you have any knowledge as to 19 whether he was a -- whether he had a criminal 20 history at all? 21 A No. 22 Q Okay. Did Detective Miles give you any 23 information along those lines as to either criminal 24 history or identification by name? 25 A No.</p>
<p style="text-align: right;">Page 24</p> <p>1 Q Now, the second call comes in about 2 five to seven minutes. Had you and the other 3 officers already set up in your location at that 4 time? 5 A We were still proceeding. We were 6 just trying to get to the area. 7 Q Okay. And was it Detective Miles who 8 called you during that second phone call? 9 A Yes. 10 Q Okay. And what did he say? 11 A He stated that the individual we were 12 looking for was now in the Chinese food restaurant 13 which is called Food King. 14 Q Okay. He was now at the Food King. 15 And how did Sean Miles come by that information? 16 A He had received a phone call from his 17 informant. 18 Q Do you have any knowledge as to how his 19 informant knew the very specific whereabouts of 20 Mr. Williams on that date? 21 A No. 22 Q Okay. At the time did you have any 23 knowledge as to how this CI was obtaining this very 24 specific information concerning Mr. Williams' 25 whereabouts?</p>	<p style="text-align: right;">Page 25</p> <p>1 A No. 2 Q Okay. Sitting here today, do you know 3 how he knew where Mr. Williams was at the time? 4 A No. 5 Q Okay. Do you know whether Mr. -- or, 6 excuse me, do you know whether Detective Miles was 7 following or had identified Mr. Williams and was 8 tracking his movements visually? 9 A No, he wasn't. He was on his night 10 off. 11 Q Okay. Did you know where Detective 12 Miles happened to be on his night off? Did he tell 13 you, hey, I'm at my house, I'm with my wife, 14 anything like that? 15 A No. 16 Q Okay. Did you have any knowledge as to 17 where Detective Miles was at the time he was making 18 those phone calls to you? 19 A No. 20 Q Okay. Sitting here today, do you have 21 any knowledge as to where Detective Miles was at the 22 time he was making those phone calls to you? 23 A No. 24 Q Okay. Did Detective Miles relay any 25 further information to you other than the fact that</p>

Page 26	Page 27
<p>1 Mr. Williams was now in the Food King?</p> <p>2 A No.</p> <p>3 Q What did you do after you got that</p> <p>4 second phone call?</p> <p>5 A I notified Detective Ward and</p> <p>6 Francicevich and then we met up in the area of</p> <p>7 Hamilton and Franklin and made the approach.</p> <p>8 Q Okay. Were you at the corner of</p> <p>9 Hamilton and Franklin?</p> <p>10 A My car was on Franklin Street.</p> <p>11 Q Okay. And how far away from your car</p> <p>12 was the Food King?</p> <p>13 A An approximation is 40 to 50 yards.</p> <p>14 Q Okay. Did you and Detective Ward and</p> <p>15 Detective Francicevich meet up near your vehicle or</p> <p>16 one of their vehicles?</p> <p>17 A We met as we were all walking towards</p> <p>18 the Food King.</p> <p>19 Q Okay. And did you ever see</p> <p>20 Mr. Williams outside of the Food King?</p> <p>21 A No.</p> <p>22 Q And I'm talking about when you</p> <p>23 initially approached, just so we're clear, okay?</p> <p>24 A Okay.</p> <p>25 Q Tell me what you did next after you met</p>	<p>1 up and you were walking towards the Food King?</p> <p>2 A It took us -- after receiving the</p> <p>3 call, informing them, I put on my police</p> <p>4 identifiers: My vest -- my vest says police --</p> <p>5 badge around the neck, we meet up. Detective</p> <p>6 Francicevich and I entered the Food King first with</p> <p>7 Detective Ward behind us.</p> <p>8 Q Did you have your weapons deployed at</p> <p>9 the time you entered?</p> <p>10 A No.</p> <p>11 Q And what was Detective Ward doing at</p> <p>12 the time?</p> <p>13 A She was walking in behind us.</p> <p>14 Q Okay. So all three of you officers</p> <p>15 went inside the Food King; is that accurate?</p> <p>16 A Yes.</p> <p>17 Q Okay. And then what did you do?</p> <p>18 A Detective Francicevich went up to --</p> <p>19 well, we saw a gentleman sitting in a chair</p> <p>20 obviously waiting for food who fit the exact</p> <p>21 description that I had been given.</p> <p>22 Detective Francicevich approached him</p> <p>23 on his right side, secured his right hand. I</p> <p>24 approached the suspect on his left side, secured</p> <p>25 his left hand, told him we need to speak to you</p>
Page 28	Page 29
<p>1 outside, got him up out of his chair and walked</p> <p>2 him outside.</p> <p>3 Q Okay. Was Mr. Williams eating at the</p> <p>4 time?</p> <p>5 A No.</p> <p>6 Q Okay. Had he gotten his food yet?</p> <p>7 A No.</p> <p>8 Q What did Mr. Williams do when you --</p> <p>9 after you secured his arms and advised him that you</p> <p>10 needed to talk to him outside?</p> <p>11 A He walked outside with us.</p> <p>12 Q Okay. Did he say anything to you from</p> <p>13 getting up out of the table to walking outside?</p> <p>14 A Not at that point, no.</p> <p>15 Q Okay. Did you two officers say</p> <p>16 anything to him from the time you secured his arms,</p> <p>17 said we need to talk to you outside and then walked</p> <p>18 him outside?</p> <p>19 A Not that I recall.</p> <p>20 Q Okay. How far was it, if you can</p> <p>21 remember, from the table to the door of the Food</p> <p>22 King to take him outside?</p> <p>23 A Twenty to 25 feet.</p> <p>24 Q Okay. Was there anyone else in the</p> <p>25 Food King at that time?</p>	<p>1 A Yes.</p> <p>2 Q Okay. Were there people eating?</p> <p>3 A I don't recall if they were eating.</p> <p>4 There were other customers as well as the workers.</p> <p>5 Q Can you give me an approximation how</p> <p>6 many customers there were in there?</p> <p>7 A No.</p> <p>8 Q Okay. Do you know what time of night</p> <p>9 it was when you effectuated this arrest?</p> <p>10 A No. I can just recall that it was</p> <p>11 dark.</p> <p>12 Q Okay. And what happened once you took</p> <p>13 Mr. Williams outside?</p> <p>14 A He was placed in a pat frisk position</p> <p>15 and I began to perform a pat frisk on him.</p> <p>16 Q Okay. Is there any reason why you</p> <p>17 performed the pat frisk outside versus inside the</p> <p>18 Food King?</p> <p>19 A Because there were other patrons</p> <p>20 inside. In case there was a confrontation, we</p> <p>21 wanted to get him away from everyone else.</p> <p>22 Q Okay. Were you the only detective who</p> <p>23 was performing the pat frisk?</p> <p>24 A Yes.</p> <p>25 Q Okay. Where was Detective Ward at this</p>

(Pages 26 to 29)

<p style="text-align: right;">Page 30</p> <p>1 time?</p> <p>2 A Detective Ward was behind me.</p> <p>3 Detective Franicevich was still holding onto</p> <p>4 Mr. Williams.</p> <p>5 Q Did you handcuff Mr. Williams at that</p> <p>6 time?</p> <p>7 A No.</p> <p>8 Q Okay. What happened next?</p> <p>9 A I was performing a pat frisk and I</p> <p>10 felt what was obviously a weapon in his pants</p> <p>11 pocket.</p> <p>12 Q Okay. And in which pocket was it?</p> <p>13 A I believe it was his right front</p> <p>14 pants pocket.</p> <p>15 Q Okay. And did Mr. Williams say</p> <p>16 anything to you from the time you took him outside</p> <p>17 until performing the pat frisk and feeling an object</p> <p>18 which you stated was obviously a weapon?</p> <p>19 A He told me he had a gun.</p> <p>20 Q Okay. And when did he say that</p> <p>21 specifically?</p> <p>22 A Before I had actually patted his</p> <p>23 pocket while I was performing the pat frisk.</p> <p>24 Q Okay. When you performed the pat</p> <p>25 frisk, did you start up around his chest or down by</p>	<p style="text-align: right;">Page 31</p> <p>1 his ankles?</p> <p>2 A Top to bottom and worked my way down.</p> <p>3 Q Okay. Did he specifically say "I have</p> <p>4 a gun"?</p> <p>5 A Yes.</p> <p>6 Q Did he say anything else that you can</p> <p>7 remember?</p> <p>8 A Not that I can recall.</p> <p>9 Q Okay. And what did you do next?</p> <p>10 A I continued my pat frisk. After I</p> <p>11 discovered the weapon, removed it from his pocket</p> <p>12 and secured him -- or secured the weapon.</p> <p>13 Q Okay. How did you secure the weapon?</p> <p>14 A Unloaded it and made sure it was</p> <p>15 safe.</p> <p>16 Q Okay. And what kind of weapon was it?</p> <p>17 A It was a .22 caliber revolver.</p> <p>18 Q And then what did you do?</p> <p>19 A He was handcuffed. I don't recall</p> <p>20 who handcuffed him, either Detective Ward or</p> <p>21 Franicevich.</p> <p>22 Q At any time did Mr. Williams resist?</p> <p>23 A No.</p> <p>24 Q Okay. Did Mr. Williams say anything to</p> <p>25 you after you secured the weapon?</p>
<p style="text-align: right;">Page 32</p> <p>1 A Nothing that I can recall</p> <p>2 specifically.</p> <p>3 Q Okay. Do you remember him having any</p> <p>4 conversations with either Detective Ward or</p> <p>5 Detective Franicevich that you could hear?</p> <p>6 A Nothing that I could hear.</p> <p>7 Q Okay. Was Mr. Williams placed in a</p> <p>8 police vehicle?</p> <p>9 A Yes. We called for a transport</p> <p>10 vehicle to transport him into headquarters.</p> <p>11 Q Okay. And how long did it take the</p> <p>12 transport vehicle to get there?</p> <p>13 A I don't recall.</p> <p>14 Q Okay. And I presume -- and correct me</p> <p>15 if I'm wrong, please -- that Mr. Williams was then</p> <p>16 turned over to whomever was driving the transport</p> <p>17 vehicle, he was taken to the Mercer County or</p> <p>18 Trenton jail and processed; is that accurate?</p> <p>19 A Yes, into Trenton Police</p> <p>20 Headquarters.</p> <p>21 Q Okay. Did you go back to Trenton</p> <p>22 Police Headquarters to assist with the paperwork and</p> <p>23 processing of Mr. Williams?</p> <p>24 A Yes.</p> <p>25 Q Okay. Did you go back to the Trenton</p>	<p style="text-align: right;">Page 33</p> <p>1 Police immediately?</p> <p>2 A Yes.</p> <p>3 Q Okay. Did you have any conversations</p> <p>4 with Mr. Williams at the police station?</p> <p>5 A Conversations for processing</p> <p>6 purposes.</p> <p>7 Q Okay. Name, address, phone number,</p> <p>8 things like that?</p> <p>9 A Yes.</p> <p>10 Q Okay. Did you make any effort to</p> <p>11 determine whether Mr. Williams had any outstanding</p> <p>12 warrants?</p> <p>13 A Yes.</p> <p>14 Q Did he?</p> <p>15 A I don't recall.</p> <p>16 Q Okay. Did you make any effort to</p> <p>17 question Mr. Williams about the weapon that he had?</p> <p>18 A Not that I can recall, no.</p> <p>19 Q Okay. Did you inspect the weapon when</p> <p>20 you removed it from Mr. Williams' person and then</p> <p>21 secured it?</p> <p>22 A Yes.</p> <p>23 Q Okay. Did you notice anything</p> <p>24 remarkable about the gun?</p> <p>25 A Remarkable? It was in very poor</p>

Page 34	Page 35
<p>1 condition. That's --</p> <p>2 Q Okay. All right. Do you know whether</p> <p>3 it could be operated?</p> <p>4 A That I don't know.</p> <p>5 Q Okay. Can you describe it in any more</p> <p>6 specificity to tell me about what the poor condition</p> <p>7 of it was?</p> <p>8 A The cylinder was held in place -- I</p> <p>9 don't even know what held it in place, but it</p> <p>10 wasn't an original part of the weapon. It was a</p> <p>11 piece that had been replaced, kind of makeshift,</p> <p>12 to hold the cylinder in place.</p> <p>13 Q Okay. Is there anything else you can</p> <p>14 remember about it to describe the poor condition?</p> <p>15 A No.</p> <p>16 Q Okay. Can you tell me anything about</p> <p>17 the conversation that you had with Mr. Williams at</p> <p>18 the police station?</p> <p>19 A Nothing that I can recall.</p> <p>20 Q Okay. And how long did it take for you</p> <p>21 to get him all processed?</p> <p>22 A The processing in general takes an</p> <p>23 hour, hour and a half.</p> <p>24 Q Okay.</p> <p>25 A And that's just processing the</p>	<p>1 prisoner and the weapon and then the report</p> <p>2 writing is done after that.</p> <p>3 Q Okay. So the hour and a half is the</p> <p>4 processing of the prisoner and the weapon itself?</p> <p>5 A Yes.</p> <p>6 Q Okay. And then to perform your report,</p> <p>7 you would -- that would take an additional amount of</p> <p>8 time?</p> <p>9 A Yes.</p> <p>10 Q Did you prepare your report that night?</p> <p>11 A Yes.</p> <p>12 Q Did you prepare it prior to going back</p> <p>13 out onto the street, if you even did go back on the</p> <p>14 street?</p> <p>15 A It was prepared prior to going back</p> <p>16 out on the street. Whether we went back out, I</p> <p>17 don't recall.</p> <p>18 Q Okay. And are you stating that because</p> <p>19 that is your usual pattern and practice for</p> <p>20 preparing reports is to do the paperwork immediately</p> <p>21 after doing an arrest?</p> <p>22 A Yes.</p> <p>23 Q Okay. Did you have any conversations</p> <p>24 with Detective Miles while you were preparing the</p> <p>25 report concerning the arrest?</p>
Page 36	Page 37
<p>1 A NO.</p> <p>2 Q Did you have any other conversations</p> <p>3 with Detective Miles that night other than the two</p> <p>4 phone calls that we talked about?</p> <p>5 A Yes.</p> <p>6 Q Okay. Tell me about the other contacts</p> <p>7 you had with him.</p> <p>8 A After we had arrested Mr. Williams, I</p> <p>9 called him to tell him that, you know, the</p> <p>10 information had panned out.</p> <p>11 Q Okay. Did you at any time ask</p> <p>12 Detective Miles anything about the reliability of</p> <p>13 that particular CI?</p> <p>14 A NO.</p> <p>15 Q Did you have any knowledge prior to</p> <p>16 that night about the reliability of that particular</p> <p>17 CI?</p> <p>18 A Yes.</p> <p>19 Q Okay. Tell me about that knowledge.</p> <p>20 A He had provided us with information</p> <p>21 that we used to execute search warrants where</p> <p>22 weapons and drugs had been seized.</p> <p>23 Q Okay. And at that time did you have</p> <p>24 any knowledge as to whether that particular CI had</p> <p>25 ever provided either you or Detective Miles with any</p>	<p>1 bad information?</p> <p>2 A NO.</p> <p>3 Q You didn't know one way or another or</p> <p>4 had he ever provided Detective Miles with bad</p> <p>5 information?</p> <p>6 A I don't know if he had ever provided</p> <p>7 Detective Miles with bad information, no.</p> <p>8 Q Okay. Have you personally used this CI</p> <p>9 for information since the arrest of Mr. Williams?</p> <p>10 A Yes.</p> <p>11 Q Okay. How many times since the arrest?</p> <p>12 A Approximately two dozen.</p> <p>13 Q Okay. And in that two dozen times, has</p> <p>14 his information always yielded either an arrest or</p> <p>15 contraband?</p> <p>16 A Yes.</p> <p>17 Q So in information he's provided to you</p> <p>18 since the arrest of Mr. Williams, he has been</p> <p>19 100 percent accurate?</p> <p>20 A As far as illegal activities, yes.</p> <p>21 Q Okay.</p> <p>22 A Quantities or amounts are always --</p> <p>23 you know, nothing very accurate. Nothing</p> <p>24 specific. If he said 14 pounds, which he did at</p> <p>25 one point, it was 15 pounds, so he was off. So it</p>

(Pages 34 to 37)

10

<p style="text-align: right;">Page 38</p> <p>1 was never spot on to the ounce. 2 Q Okay. And is this 15 pounds of weed? 3 A Yes. 4 Q Okay. Do you know how he comes by this 5 information? 6 A No, I don't. 7 Q Have you ever asked him? 8 A No, I don't. 9 Q Okay. Is there any reason why you've 10 never asked him? 11 A That's his dealings to what he does. 12 Once he provides me with the information, I'll 13 pick it up from there. 14 Q Okay. Do you have any knowledge 15 whether he is involved in criminal activities or 16 enterprises, this particular CI? 17 A This particular CI, as far as I know 18 he is not. 19 Q Okay. So would it be accurate to say 20 that it is not your belief -- this is going to be a 21 butchered question, I can tell already. So this 22 isn't him dimming out other -- his other 23 competition; is that accurate? 24 A That's very accurate. 25 Q Okay. Did you have any involvement</p>	<p style="text-align: right;">Page 39</p> <p>1 with Mr. Williams prior to his arrest on May 2nd? 2 A No. 3 Q Had you ever seen him before? 4 A Not that I can recall. 5 Q Okay. How about subsequent to his 6 arrest? I would like you to tell me about any and 7 all contacts that you've had with Mr. Williams after 8 May 2nd, 2009. 9 A The only other time I saw him was in 10 court at the suppression hearing. 11 Q Okay. Did you ever see him prior to 12 that at a preliminary hearing? 13 A Not that I can recall, no. 14 Q Okay. Did you have any conversations 15 with Detective Miles about his preparation of a 16 report that was utilized by the lawyers at the 17 suppression hearing? 18 A No. 19 Q Do you have any input into that report 20 at all? 21 A No. 22 Q Did you review it before going to the 23 suppression hearing? 24 A No. 25 Q Okay. And then at the suppression</p>
<p style="text-align: right;">Page 40</p> <p>1 hearing, the judge ruled that the gun itself was 2 inadmissible; is that right? 3 A Yes. 4 Q Do you know whether Sean Miles was ever 5 arrested for any reason? 6 A Yes, I do. 7 Q Okay. Why was he arrested? 8 A For domestic violation. 9 Q Was that once or more than once? 10 A I believe it was just once. 11 Q Okay. Do you know what the outcome of 12 that arrest was? 13 A No. I bailed him out, but I don't 14 recall exactly what happened with the court case. 15 Q Okay. Do you know whether Trenton 16 Police took any disciplinary action against him for 17 that? 18 A I don't know. 19 Q Okay. Do you know who lives at 116 20 Rusling Street in Trenton? 21 A That currently is a vacant boarded up 22 residence. 23 Q Okay. You were involved in an internal 24 affairs investigation concerning allegations that 25 there was an officer at 116 Rusling street buying</p>	<p style="text-align: right;">Page 41</p> <p>1 drugs. 2 Do you remember that? 3 A Yes. 4 Q Okay. What was the outcome of that 5 investigation? 6 A That, as far as I know, was not 7 sustained. 8 Q Okay. And that was bad information, 9 then, that was received by those dispatchers, 10 correct? 11 A That was information that the 12 department deemed to be bad information. 13 Q Okay. And you were not disciplined 14 whatsoever for your role in that investigation, 15 correct? 16 A Yes, I was because I went into the 17 radio room and listened to the tape call. 18 Q And what was the discipline that you 19 received? 20 A That they held an abeyance, I think. 21 I'm not sure. 22 Q What does that mean exactly? 23 A It means if there's another -- I 24 don't get a day off, but if something else 25 happens, then they can give me that day off.</p>

11

(Pages 38 to 41)

Page 42	Page 43
<p>1 Q Okay. Without pay?</p> <p>2 A Without pay.</p> <p>3 Q Did you ever have any CI who resided at</p> <p>4 116 Rustling Street?</p> <p>5 A Yes.</p> <p>6 Q Okay. Do you know whether this was the</p> <p>7 same person who provided this bad information?</p> <p>8 A I don't believe it was.</p> <p>9 Q Okay. Have you ever been sued before</p> <p>10 in your -- in association with your work as a police</p> <p>11 officer?</p> <p>12 A I believe I was a long time ago. My</p> <p>13 first time around with the Trenton Police</p> <p>14 Department. I don't recall what for, though.</p> <p>15 Q Okay. Do you remember what the outcome</p> <p>16 of that lawsuit was? Did you go to trial, for</p> <p>17 example?</p> <p>18 A No.</p> <p>19 Q Okay. And was that the matter in which</p> <p>20 you had previously testified here today that you had</p> <p>21 attended your deposition in that case?</p> <p>22 A I don't recall.</p> <p>23 Q Okay. But you had given deposition</p> <p>24 testimony before; is that right?</p> <p>25 A Yes.</p>	<p>1 Q Okay. Do you remember what the case</p> <p>2 was in which you provided deposition testimony?</p> <p>3 A No, I don't.</p> <p>4 Q Were you a party to that case, meaning,</p> <p>5 were you either the plaintiff or the defendant?</p> <p>6 MR. DIDONATO: You mean in the case</p> <p>7 where he was deposed?</p> <p>8 MR. BAIRD: Yeah, yeah.</p> <p>9 A I don't recall. I don't believe I</p> <p>10 was but I don't recall specifically.</p> <p>11 BY MR. BAIRD:</p> <p>12 Q Okay. Do you know approximately how</p> <p>13 long ago it was that you gave deposition testimony?</p> <p>14 A It would have to be prior to 1994</p> <p>15 when I left Trenton.</p> <p>16 MR. BAIRD: Okay. I'm going to hand</p> <p>17 you a document that I would like to have</p> <p>18 marked as Lugo-1.</p> <p>19 (At this time, Lugo-1 was</p> <p>20 marked for identification.)</p> <p>21 BY MR. BAIRD:</p> <p>22 Q Take your time reviewing it and just</p> <p>23 let me know when you're ready because I would like</p> <p>24 to ask you a couple of questions about it.</p> <p>25 A (Witness complies.)</p>
Page 44	Page 45
<p>1 Q Can you tell me what this document is?</p> <p>2 A Affidavit of Probable Cause.</p> <p>3 Q And this is the document that -- did</p> <p>4 you prepare this?</p> <p>5 A This was prepared by Detective Ward</p> <p>6 and given to me to review and sign.</p> <p>7 Q Okay. And can you tell me when this</p> <p>8 was prepared by Detective Ward in reference to the</p> <p>9 events surrounding the arrest of Mr. Williams?</p> <p>10 A This was prepared after we all</p> <p>11 proceeded into the headquarters after the arrest.</p> <p>12 Q And is there any reason why officer</p> <p>13 Ward prepared it and then gave it to you to sign?</p> <p>14 A To expedite time. We would all do</p> <p>15 different parts of the paperwork.</p> <p>16 Q Okay. And is that your signature</p> <p>17 there?</p> <p>18 A Yes.</p> <p>19 Q Okay. And underneath the signature, do</p> <p>20 you know whose signature that is?</p> <p>21 A I don't know.</p> <p>22 Q It looks like a notary stamp, I guess?</p> <p>23 A No, that's a lieutenant.</p> <p>24 Q Okay. That's a lieutenant, all right.</p> <p>25 Now, this is an Affidavit of Probable</p>	<p>1 Cause. Is there a particular purpose why you</p> <p>2 prepared this document after Mr. Williams had</p> <p>3 already been arrested?</p> <p>4 A At this point it's reviewed to make</p> <p>5 sure we have all of the criteria to fit the</p> <p>6 charge.</p> <p>7 Q Okay. And reviewing it, you had a</p> <p>8 chance to read it over, is there anything in there</p> <p>9 that is inaccurate or that you do not believe is</p> <p>10 true now sitting here several years later?</p> <p>11 A I don't recall seeing him walking on</p> <p>12 Franklin Street towards Hamilton Avenue.</p> <p>13 Q Okay. Do you know whether Ms. Ward</p> <p>14 observed him walking on Franklin Street?</p> <p>15 A No, I don't.</p> <p>16 Q Okay. Do you know whether Detective</p> <p>17 Franicevich had ever observed Mr. Williams walking</p> <p>18 down Franklin towards Hamilton?</p> <p>19 A No.</p> <p>20 Q Okay. Do you know whether --</p> <p>21 MR. DIDONATO: Just for the record, I</p> <p>22 think the document marked as Lugo-1 actually</p> <p>23 indicates he was walking down Hamilton</p> <p>24 towards Franklin which is the opposite of</p> <p>25 what you just indicated.</p>

(Pages 42 to 45)

12

<p style="text-align: right;">Page 46</p> <p>1 MR. BAIRD: Okay. The tip further 2 explained that the -- and I'm reading from 3 Lugo-1 -- the tip further explained that the 4 black male was walking down Franklin Street 5 heading towards Hamilton Avenue -- 6 MR. DIDONATO: And then if you look 7 further in the paragraph, that's where I 8 got confused, I apologize. 9 MR. BAIRD: All right. 10 BY MR. BAIRD: 11 Q Is there anything else besides that 12 that you, sitting here today, you believe is 13 inaccurate or incorrect? 14 A Well, it doesn't state where he was 15 actually -- where he actually was. He was 16 actually in the Chinese restaurant. If you read 17 this, it leads you to believe that he was 18 approached while he was on Hamilton Avenue. 19 Q Okay. Anything else that you believe 20 to be inaccurate or in any way wrong? 21 A Identified ourselves as police 22 officers, stated he had the gun in his front 23 pocket. This was done after we had already taken 24 control of him and taken him out of the 25 restaurant.</p>	<p style="text-align: right;">Page 47</p> <p>1 Q Okay. And did you review this on the 2 night of May 2nd, 2009? 3 A Yes, I did but not very well. 4 Q Okay. 5 MR. BAIRD: This I'll have marked as 6 Lugo-2. 7 (At this time, Lugo-2 was 8 marked for identification.) 9 MR. DIDONATO: The incident 10 investigation report is four pages. 11 MR. BAIRD: Okay. 12 MR. DIDONATO: Let's take a quick 13 break. 14 (Whereupon, a short recess was taken, 15 after which time the deposition resumed.) 16 BY MR. BAIRD: 17 Q Take as much time as you need in 18 reviewing this. I'm going to ask you a few 19 questions about it. 20 A Okay. 21 Q Can you tell me what this is? 22 A This is my police report. 23 Q Okay. And this is from the arrest of 24 Mr. Williams that occurred on May 2nd, 2009? 25 A Yes.</p>
<p style="text-align: right;">Page 48</p> <p>1 Q Okay. Now, if you look at page three, 2 there's a reporting officer narrative. 3 Did you prepare this narrative? 4 A Yes. 5 Q Okay. Did you have input from 6 Detective Francovich or Ward when you were 7 preparing this narrative? 8 A No. 9 Q Okay. So in the Division of Labor that 10 you told me about concerning the paperwork, this is 11 your contribution? 12 A Yes. 13 Q Is there anything in here -- and you 14 can take as much time as you need, but let me know 15 if there's anything in here that now, sitting here 16 today, you believe is inaccurate or incorrect. 17 A The only difference between this -- 18 what I would consider a significant difference 19 between this and my testimony here today is who 20 took hold of which arm. My reports states 21 Detective Francovich told hold of Williams' left 22 arm, where as I stated that I had taken hold of 23 his left arm. 24 Q Okay. Do you know which one is 25 accurate?</p>	<p style="text-align: right;">Page 49</p> <p>1 A I would say that the report is 2 accurate since it was done that night and it was 3 still fresh in my memory. 4 Q Okay. Now, in terms of the -- I would 5 like you to look towards the middle of the page 6 where it discusses the pat frisk of Mr. Williams. 7 A Yes. 8 Q Do you see where it says, "Once 9 outside, he was pat frisked by myself?" 10 A Yes. 11 Q Okay. And then it continues, "When I 12 felt his right front pocket through his pants, I 13 felt what I immediately recognized as a revolver. 14 As I was doing this, Williams stated 'I have a gun 15 on me.'" 16 A Yes. 17 Q Is that accurate in terms of when 18 Mr. Williams alerted you to the fact that he had a 19 gun? 20 A That would be accurate, yes. 21 Q Okay. Now, I apologize if I asked you 22 this before, but did you have any conversations with 23 Detective Miles about the arrest prior to the 24 suppression hearing? 25 A No.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q okay. other than --</p> <p>2 A other than the phone call saying that</p> <p>3 we had made the arrest.</p> <p>4 Q okay. Now, this is something that's</p> <p>5 been identified as a case supplemental report. And</p> <p>6 I just want to ask you about this for identification</p> <p>7 purposes.</p> <p>8 Have you ever seen that before?</p> <p>9 A No.</p> <p>10 Q okay.</p> <p>11 MR. DIDONATO: Counsel, do you have</p> <p>12 an objection if we had that marked as Lugo-3</p> <p>13 just so the record is clear?</p> <p>14 MR. BAIRD: Yeah, I think we should.</p> <p>15 (At this time, Lugo-3 was</p> <p>16 marked for identification.)</p> <p>17 BY MR. BAIRD:</p> <p>18 Q okay. And I'll ask my question one</p> <p>19 more time.</p> <p>20 Have you ever seen this before?</p> <p>21 A No.</p> <p>22 Q okay, fair enough. I just have a</p> <p>23 couple more questions for you.</p> <p>24 Have you ever been arrested for a</p> <p>25 crime involving dishonesty?</p>	<p style="text-align: right;">Page 51</p> <p>1 A No.</p> <p>2 Q okay. Just allow me a few minutes to</p> <p>3 review my notes and I think we're just about done.</p> <p>4 A okay.</p> <p>5 Q Did you ever ask Mr. Williams at the</p> <p>6 time of his arrest where is the gun or where is it?</p> <p>7 did you say anything like that to him?</p> <p>8 A Not that I recall, no.</p> <p>9 MR. BAIRD: okay. That's all I have.</p> <p>10 I appreciate your time today.</p> <p>11 MR. DIDONATO: No questions.</p> <p>12 -- --</p> <p>13 (Deposition concluded.)</p> <p>14 -- --</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 52</p> <p>1 C E R T I F I C A T I O N</p> <p>2</p> <p>3 I, Aubrey D. McNally, do hereby certify</p> <p>4 that the witness in the foregoing deposition was duly</p> <p>5 sworn to testify the truth, the whole truth and</p> <p>6 nothing but the truth in the within-entitled cause;</p> <p>7 that said deposition was taken at the time and place</p> <p>8 therein stated; that the testimony of said witness was</p> <p>9 reported by me, a Certified Shorthand Reporter and</p> <p>10 Registered Professional Reporter, and was thereafter</p> <p>11 transcribed under my direction into typewriting, and</p> <p>12 that this is a true and correct transcript of same.</p> <p>13 I further certify that I am not counsel</p> <p>14 for, nor in any way related to any of the parties to</p> <p>15 this suit, nor am I in any way interested in the</p> <p>16 outcome thereof.</p> <p>17 -----</p> <p>18 Aubrey D. McNally, CCR, RPR</p> <p>19</p> <p>20 New Jersey Certification No. 30XI00234300</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

(Pages 50 to 52)

DEGNAN & BATEMAN
(856) 232-7400

TRENTON POLICE DEPARTMENT, NEW JERSEY
PATROL BUREAU
AFFIDAVIT OF PROBABLE CAUSE

CASE #: 09-007548

STATE OF NEW JERSEY
COUNTY OF MERCER)

I, Det. K. Lugo #559, of full age, being duly sworn on his oath, according to law, deposes and says:

1. I am a duly constituted Police Detective of the Trenton Police Department.
2. I have probable cause to believe and do believe that the person know as Guy L. Williams, and more particularly described as follows:

B/M, 6'0" tall, and 225 lbs., Date of Birth: 03/07/1981,

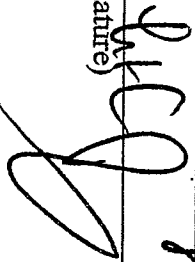
Has committed and is wanted in connection with the offense(s) of: 2C: 39-5 Possession of a weapon, 2C: 39-7b Possession of a weapon by a convicted felon.

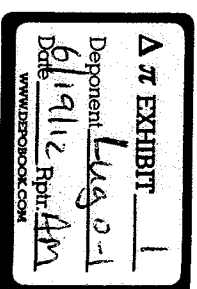
On May 2, 2009 at approximately 2130 hours we Units 562, 561, 564 received a confidential tip that a black male wearing an orange baseball cap and an orange and white long sleeve shirt was to be carrying a handgun. The tip further explained that the black male was walking down Franklin St. heading towards Hamilton Ave. Upon further investigation we observed a black male, later identified as Guy L. Williams, fitting the description given by the confidential informant walking down Hamilton Ave. towards Franklin St. As we approached G. Williams, and identified ourselves as Police Officers he stated that he had a handgun in his front pocket. Said weapon, .22 caliber RG14S, was confiscated and G. Williams was taken into custody.

Det. Kenneth Lugo 74/5751
Det. K. Lugo

Sworn and subscribed by me
This 2nd day of May, 20 09

(Signature)





MO

Type:	Injury:

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown
("OJ" = Recovered for Other Jurisdiction)

Officer/ID#	Lugo, Kenneth (NDST, ORT) (5751)
-------------	----------------------------------

Printed BY: 5/51, UNID8/

Sys#: 11985

Page 2

09-007548

Status 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

Status Codes	1 = None	2 = Burned	3 = Counterfeit / Forged	4 = Damaged	5 = Recovered	6 = Seized	7 = Stolen	8 = Unknown
--------------	----------	------------	--------------------------	-------------	---------------	------------	------------	-------------

IBR Status	Quantity	Type Measure	Suspected Type
			Up to 3 types of activity

D					
R					
J					
G					
S					

RENNA, V.L. (6150), CROSBY, M. (2954)

NARRATIVE

NARRATIVE

Trenton Police Department

REPORTING OFFICER NAKKATCHE

Victim		OCA 09-007548
Society	Offense UNLAWFUL POSSESSION OF WEAPON(S)	Date / Time Reported Sat 05/02/2009 21:50

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Additional Officers: Det. C. Franicevich, Det. Y. Ward, Det. S. Miles, Off. M. Crosby, Off V. Renna

At approximately 2125 hrs, 05/02/2009/ I received a phone call from Det. Sheehan Miles who stated that a CI had contacted him and advised him that there was a man with a gun in his possession walking in the 500 block of Hamilton Ave. The CI described the man as a B/M wearing an orange hat with the letter H on it, a long sleeve orange shirt with a white t-shirt over it and jeans. I then contacted Detectives Franicevich and Ward and we proceeded to the area to look for the described individual. Detectives Franicevich and Ward were together in an unmarked undercover vehicle and I was in another unmarked undercover vehicle. While I was proceeding to the area I remained in contact with Det. Miles who advised me that he received another call from the CI telling him that the male was in the liquor store on Hamilton Ave near Chambers St and that he would be proceeding back to Franklin St when he left the liquor store. I was on Franklin St when Det. Franicevich advised me that he had a visual of the B/M, later identified as Williams, and that he was walking on Hamilton Ave and had just entered the Food King Chinese restaurant, 539 Hamilton Ave. While Williams was waiting for his food Det. Franicevich and I entered the restaurant and approached him. Det. Franicevich took hold of Williams left arm and I took hold of his right arm and we led him out of the restaurant. Once outside he was pat frisked by myself. When I felt his right front pocket through his pants I felt what I immediately recognized as a revolver. As I was doing this Williams stated, "I have a gun on me." I then removed the revolver from his pocket as Det. Franicevich and Det. Ward handcuffed Williams and placed him under arrest. A continued search incident to arrest was negative for any further contraband. The revolver was made safe and found to be fully loaded with six (6) 22 cal bullets.

Williams was transported into headquarters by officers Crosby and Renna. A warrant check was conducted and Williams was found to have an active Trenton warrant. He was then docketed for the listed charges and turned over to detention personnel for continued arrest processing.

The revolver was found to be clear lost or stolen and was turned in as evidence and placed in the North Division evidence drop box.

At this time I have nothing further to add to this report

Reporting Officer: LUGO, KENNETH

Page 3

Printed By: 5751, UN1087 08/12/2009 10:06

Incident Report Suspect List

OCA: 09-007548

Trenton Police Department

1										Name (Last, First, Middle) <i>Williams, Guy Lloyd</i>		Also Known As		Home Address <i>70 FRANKLIN ST TRENTON, NJ 08609</i>	
Business Address															
DOB. <i>03/07/1981</i>		Age <i>28</i>	Race <i>B</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>601</i>	Wgt <i>200</i>	Hair <i>BLK</i>	Eye <i>BRO</i>	Skin <i>DBR</i>	Driver's License / State. <i>25 588 244 PA</i>				
Scars, Marks, Tattoos, or other distinguishing features <i>TATT LEFT FINGER / SPRAY CAN; TATT LEFT HAND / BRICK WALL WTH "WILL"</i>															
Reported Suspect Detail															
Suspect Age				Race		Sex		Height		Weight		SSN			
Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel			
VehYr/Make/Model		Drs		Style		Color		Lic/St		VIN					
Notes															
Physical Char															

CASE SUPPLEMENTAL REPORT

Printed: 12/02/2010 09:28

OCA: 09007548

Trenton Police Department

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occured: *05/02/2009*Offense: *UNLAWFUL POSSESSION OF WEAPON(S) (HANDGUN)*Investigator: *MILES, SHEEHAN (5663)*Date / Time: *12/01/2010 20:28:21, Wednesday*Supervisor: *CARRIER, ROBERT W (4132)*Supervisor Review Date / Time: *12/01/2010 20:52:32, Wednesday*

Contact:

Reference: *Additional Information*

On 05/02/2009 at approximately 2120 hours I (Miles) was assigned to the Trenton Police Department, Quick Response Team, a successful team of undercover officers who focused their investigative attention on quality of life offenses in the City of Trenton that included low level drug and firearm offenses. At this time I was off duty when I recieved a telephone call from a confidential informant (hereinafter referred to as CI) who told me that there was an individual with a handgun walking on the 500 block of Hamilton Ave. CI described the individual as a black male, wearing an orange colored hat with the letter H on it and along sleeve orange shirt with a white T-shirt over it and jeans.

I immediately contacted undercover Detective Kenneth Lugo of the Trenton Police Department, QRT and advised him of the information provided by CI. Detective Lugo stated that he would proceed to the location and attempt to locate the suspect

Shortly thereafter, I recieved another call from CI who stated that the suspect had walked to the liquor store on Hamilton Avenue, near Chambers street. I immediately advised Detective Lugo of the information.

Shortly thereafter, Detective Lugo advised me that he and Detective Francovich arrested the suspect fitting the description provided by CI who was in possession of a handgun.

For further information regarding the arrest of the suspect see the investigation report submitted by Detective Lugo bearing this case number.

It should be noted that information provided by CI has been responsible for the arrest of numerous individuals for drug offenses and numerous individuals offenses involving firearms. As in this instance, previous information provided by CI has been accurate and up to date.

